

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: JANET DUNN
DINO F. BUCCI, JR.
KENNETH MEERSCHAERT, JR
CHARLES OLIVER

ABSENT: None.

Also in attendance: Colleen O'Connor, Township Attorney
Jerome R. Schmeiser, Community Planning Consultant
James Van Tiflin, Project Manager for Spalding DeDecker &
Associates. (Additional attendance record on file with Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call

Clerk KOEHS announced the Roll Call. All Members present.

2. Approval of Agenda Items (*with any corrections*)

MOTION by OLIVER seconded by BUCCI to approve the agenda as amended.

MOTION carried.

3. Approval of Bills

MOTION by DUNN seconded by MALBURG to authorize payment of the Bills as submitted.

MOTION carried.

4. Approval of the previous meeting minutes of November 25, 2003.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

MOTION by OLIVER seconded by MALBURG to approve the previous meeting minutes of November 25, 2003.

MOTION carried.

5. Public Comments (Non Agenda items only - 3 minute time limit)

Public Portion: Kevin Karwowicz, a Township resident, discussed his concerns regarding the previous request for additional traffic stop signs. Supervisor BRENNAN and Clerk KOEHS held further discussion with Mr. Karwowicz addressing his concerns.

Addition:

6. Request to Adopt the Township of Macomb General Obligation Refunding Bonds, Series 2004.

Dennis Neiman, representative, on behalf of Miller, Canfield, Paddock and Stone, P.L.C. reviewed the request.

Public Portion: None.

MOTION by OLIVER seconded by MALBURG to move forward with the refinancing of a new bond issuance to retire debt from two prior issuances with an estimated savings of Two Hundred Thousand dollars and 00/100 (\$200,000.00) and adopt the Notice of Intent Resolution Capital Improvement Bonds as follows:

FOR THIS MOTION: OLIVER, MALBURG, MEERSCHAERT, DUNN, BUCCI, KOEHS, BRENNAN.

OPPOSED: NONE

ABSENT: NONE

**Township of Macomb
County of Macomb, State of Michigan
Notice of Intent Resolution
Capital Improvement Bonds**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, State of Michigan, held on the 10th day of December, 2003, at 7:00 o'clock p.m. Eastern Standard Time.

Present: John D. Brennan, Michael D. Koehs, Marie M. Malburg, Dino Bucci, Jr., Janet Dunn, Kenneth Meerschaert, Jr., Charles Oliver.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

Absent: None.

The following preamble and resolution were offered by Member DUNN and supported by Member MALBURG:

WHEREAS, the Township of Macomb, County of Macomb, State of Michigan (the "Township") has previously issued this Water Supply and Sewage Disposal System revenue Bonds, Series 1994 and its Water Supply and Sewage Disposal System Revenue Bonds, Series 1998 (together, the "Prior Bond"); and

WHEREAS, the Township intends to issue and sell general obligation capital improvement bonds, pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in an amount not to exceed Six Million Dollars (\$6,000,000.00) for the purpose of refunding all or a portion of the callable maturities of the Prior Bonds (the "Project"); and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid in order to comply with the requirements of Section 517 of Act 34.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Township Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in the Macomb Daily, a newspaper of general circulation in the Township.**
- 2. Said notice of intent shall be published on a one-quarter (1/4) page display advertisement in substantially the form attached hereto as Appendix A.**
- 3. The Township Board does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is the method best calculated to give notice to Township's taxpayers and electors of this Township's intent to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum relation thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons whom the notice is directed.**
- 4. Resolutions and parts of the resolutions insofar as they conflict with the provisions of this resolution be the same hereby are rescinded.**

Ayes: Janet Dunn, Marie Malburg, Kenneth Meerschaert, Jr., Dino F. Bucci, Jr., Charles Oliver, Michael D. Koehs, John D. Brennan.

Nayes: None.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

RESOLUTION DECLARED ADOPTED.

Michael D. Koehs
Township Clerk

MOTION carried.

PUBLIC HEARING:

7. Street Lighting Request; English Gardens Subdivision No. 2; Located on the east side of Romeo Plank Road approximately 782 feet south of 26 Mile Road; Northern Macomb Development, Petitioner. Section 5.

Supervisor BRENNAN reviewed the request.

Supervisor BRENNAN opened the Public Hearing at 7:10 P.M.

MOTION by DUNN seconded by MEERSCHAERT to close the Public Hearing at 7:12 P.M.

MOTION carried.

MOTION by DUNN seconded by KOEHS to adopt the Street Lighting Request for English Gardens Subdivision No. 2. Section 5 as follows:

FOR THIS MOTION: DUNN, KOEHS, OLIVER, BUCCI, MALBURG, MEERSCHAERT, BRENNAN.

OPPOSED: NONE

ABSENT: NONE

SAD, Street Lighting English Garden Subdivision #2
RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on December 10, 2003, at 7:00 P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Charles Oliver, Janet Dunn, Kenneth Meerschaert, Jr.

ABSENT: None.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

The following preamble and resolution were offered by Member DUNN and supported by Member KOEHS.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF
THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

1. It is hereby directed that a street light or lights shall be installed at English Gardens Subdivision #2, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

3. The initial installation shall equal the sum of \$11,553.05, together with the first annual electrical service charge in the amount of \$843.95, the Township's at-large contribution is \$-0-.

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

**AYES: DUNN, KOEHS, OLIVER, BUCCI, MALBURG, MEERSCHAERT,
BRENNAN.**

NAYS: NONE.

RESOLUTION DECLARED ADOPTED.

**MICHAEL D. KOEHS
MACOMB TOWNSHIP CLERK**

**SAD, Street Lighting, English Gardens Subdivision #2
EXHIBIT "A"
LEGAL DESCRIPTION OF
SPECIAL ASSESSMENT LIGHTING DISTRICT**

Part of the northwest quarter of Section 5, Town 3 North, Range 13 East, Macomb Township, Macomb County, Michigan being described as:

Beginning on the west line of Section 5 S 00°22'23" E 782.54' from the northwest corner of Section 5, also being the centerline of Romeo Plank Road (66.0 feet wide); Thence S 89°25'21"E 1332.65'; Thence S 00°16'23" E 326.77'; Thence N 89°25'51" W 956.93'; Thence N 00°34'09" E 146.87'; Thence N 89°25'21" W 377.57' to the west line of Section 5 and the centerline of Romeo Plank Road; Thence N 00°22'23" W 180.02' along the west line of Section 5 and the centerline of Romeo Plank Road to the point of beginning. Containing 8.727 acres, more or less. Subject the right of the public in Romeo Plank Road and to any and all rights of way and easements or record or otherwise.

MOTION carried.

PLANNING COMMISSION:

8. Rezoning Request; Residential One Family Suburban (R-1-S) to Residential One Family Urban (R-1); Located on the south side of 24 Mile Road approximately $\frac{3}{4}$ mile east of North Avenue; Elro Corporation, Petitioner. Permanent Parcel No. 08-13-200-019.

Tabled at the petitioner's request to December 23, 2003 meeting.

9. Final Plat; Brook Run Subdivision; Located approximately 800 feet north of 22 Mile Road approximately 500 feet east of Romeo Plank Road, GTR Builders, Petitioner. Permanent Parcel No. 08-21-301-004.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations of approval.

Public Portion: None.

Petitioner Present: Christopher Cousino of GTR Builders

MOTION by DUNN seconded by BUCCI to approve the Final Plat; Brook Run Subdivision; and direct the Township Clerk to sign the mylar. Parcel No. 08-21-301-004.

MOTION carried.

10. Final Plat; Wingate Farms Subdivision; Located south of 23 Mile Road and a ½ mile east of future Heydenreich Road; GTR Builders, Petitioner. Permanent Parcel No. 08-22-100-019.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations of approval.

Public Portion: None.

Petitioner Present: Christopher Cousino of GTR Builders

MOTION by DUNN seconded by OLIVER to approve the Final Plat; Wingate Farms Subdivision and direct the Township Clerk to sign the mylar. Parcel No. 08-22-100-019.

MOTION carried.

11. Land Division Variance for the Tentative Preliminary Plat for Parkview Estates Subdivision; Located south of 23 Mile Road, ¼ mile east of Card Road; GTR Builders, Petitioner. Permanent Parcel No. 08-23-100-026 and 027 (part of).

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations of approval.

Public Portion: None.

Petitioner Present: Christopher Cousino of GTR Builders

MOTION by OLIVER seconded by BUCCI to approve the Land Division Variance for the Tentative Preliminary Plat for Parkview Estates Subdivision. Parcel No. 08-23-100-026 and 027 (part of).

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

MOTION carried.

12. Tentative Preliminary Plat; Parkview Estates Subdivision; Located on the east side of Card Road, ¼ mile south of 23 Mile Road; GTR Builders, Petitioner. Permanent Parcel No. 08-23-100-026 and 027.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations of approval.

Public Portion: None.

Petitioner Present: Christopher Cousino

MOTION by DUNN seconded by KOEHS to approve the Tentative Preliminary Plat; Parcel No. 08-23-100-026 and 027 (part of).

MOTION carried.

13. Tentative Preliminary Plat; Elan Estates; Located on the south side of 24 Mile Road ¼ mile east of Card Road; Elan Estates Corp., Petitioner. Permanent Parcel No. 08-14-100-003.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations of approval.

Trustees BUCCI and MEERSCHAERT addressed their concerns regarding variance procedures and further discussed their concerns of the lots fronting on 25 Mile Road.

Public Portion: Kevin Karwowicz, a Township resident discussed his concerns with Supervisor BRENNAN regarding variance procedures.

Petitioner Present: Craig Duckwitz of Anderson, Eckstein and Westrick Inc.

MOTION by OLIVER seconded by BUCCI to approve the Tentative Preliminary Plat; Elan Estates. Parcel No. 08-14-100-003.

MOTION carried.

OLD BUSINESS:

14. Request Release of Landscape Bond; English Gardens Subdivision; Located on the east side of Romeo Plank Road and south of 26 Mile Road Northern Macomb Development, Petitioner. Section 5.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

MOTION by KOEHS seconded by MALBURG to release the Landscape Bond for English Gardens Subdivision. Section 5.

MOTION carried.

15. Request Return of Model Bonds; Parc at Riverside; Lots: 47 & 48. Lombardo Companies, Petitioner. Section 23.

MOTION by DUNN seconded by MEERSCHAERT to return the Model Bonds for the Parc at Riverside; Lots: 47 & 48. Section 23.

MOTION carried.

16. Request Return of Model Bonds; Village at Riverside; Lots: 71 & 72. Lombardo Companies, Petitioner. Section 23.

MOTION by DUNN seconded by MALBURG to return the Model Bonds; Village at Riverside; Lots: 71 & 72. Section 23.

MOTION carried.

Addition:

- 16A. Request to renew SEMCOG membership

Supervisor BRENNAN reviewed the request.

MOTION by KOEHS seconded by BUCCI to renew the SEMCOG Membership and authorize the payment of Membership dues for the amount of Nine Thousand One Hundred Twenty dollars and 00/100 (\$9,120.00) for the period from November 15, 2003 to November 15, 2004 as submitted.

MOTION carried.

Addition:

- 16B. Request Release of Monuments and Irons Escrow Funds; Emerald Green Subdivision. Lehner Associates, Petitioner. Section 5.

MOTION by OLIVER seconded by DUNN to release the Monuments and Irons Escrow Fund; Emerald Green Subdivision. Section 5.

MOTION carried.

NEW BUSINESS:

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

17. Request for Model Permits; Wingate Farms Subdivision; Lots: 46, 47, 48 & 49.
GTR Builders, Petitioner. Section 22.

MOTION by DUNN seconded by KOEHS to approve the Model Permits; Wingate Farms Subdivision; Lots: 46, 47, 48 & 49. Section 22.

MOTION carried.

18. Request approval to adopt the Policy and Resolution to authorize transactions electronically.

Supervisor BRENNAN reviewed the request.

Public Portion: None.

MOTION by KOEHS seconded by DUNN to adopt the Policy to authorize Transactions Electronically by the Township as presented.

MOTION carried.

MOTION by KOEHS seconded by DUNN to adopt the Resolution to Authorize Electronic Transaction under Public Act 738 of 2002 as follows:

FOR THIS MOTION: KOEHS, DUNN, MEERSCHAERT, BUCCI, OLIVER, MALBURG, BRENNAN.

OPPOSED: NONE

ABSENT: NONE

**Resolution to Authorize Electronic Transaction
Under Public Act 738 of 2002**

WHEREAS, Electronic payments of public funds are required for some federally mandated transactions of public funds, and electronic payments have become a commonly accepted practice by banks and other financial institutions, and:

WHEREAS, Public Act 738 of 2002, effective December 30, 2002, authorizes townships to make electronic transactions involving public funds by electronic payment, debit, or credit transfer processed through an Automated Clearing House, and:

WHEREAS, PA 738 authorizes a township treasurer to enter an (ACH) arrangement for a national and governmental organization that has authority to

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

process electronic payments (ACH), including, but not limited to, the national automated clearing house association and the federal reserve system, and

WHEREAS, The Macomb Township Board of Trustees deems that it is in the best interest of the township to make certain township financial transactions by electronic payments as described in PA 738.

NOW, THEREFORE BE IT HEREBY RESOLVED, that the Macomb Township Board of Trustees authorizes the Township to utilize electronic transactions in compliance with the written procedures and internal controls developed and adopted by the Treasurer as the Township's ACH policy presented to the Macomb Township Board of Trustees meeting held on December 10, 2003.

The foregoing resolution was offered by the Macomb Township Board of Trustees Member KOEHS and supported by the Macomb Township Board of Trustees Member DUNN.

Upon roll call vote the following voted:

Ayes: Michael D. Koehs, Janet Dunn, Kenneth Meerschaert, Jr., Dino F. Bucci, Jr., Charles Oliver, Marie M. Malburg, John D. Brennan.

Nays: None.

The Supervisor declared the resolution adopted.

MOTION carried.

19. Request approval of the Macomb County Agreement regarding bridges.

Supervisor BRENNAN reviewed the request.

Public Portion: None.

MOTION by OLIVER seconded by BUCCI to authorize the Township Supervisor to enter into the Macomb County Agreement for Participation in the Bridge Program for the estimated amount of Thirteen Thousand Five Hundred Twenty dollars and 00/100 (\$13,520.00) over a 30-year amortization as follows:

FOR THIS MOTION: OLIVER, BUCCI, DUNN, MEERSCHAERT, MALBURG, KOEHS, BRENNAN.

OPPOSED: NONE

ABSENT: NONE

**AGREEMENT FOR PARTICIPATION IN
BRIDGE PROGRAM**

This agreement is entered into this 10th day of December, 2003 between the County of Macomb (the "County") and the Township of Macomb, located in the State of Michigan (the "Township").

Whereas the County Board of Commissioners approved the Macomb County Bridge Program as submitted by the Road Commission of Macomb County, and;

Whereas this bridge program requires a 50% match on the part of the County, and;

Whereas the County Board of Commissioners approved the Bridge Program with the provision that local communities with a population of 7,000 or greater, based on the 1990 census, will pay 25% of the match required of the County, or 12.5% of total cost, and;

Whereas the structures identified below are within the boundaries of the Township and have been included in the program, and;

Whereas the Township is a community whose 1990 census population was 7,000 or greater and desires rehabilitation of said structures.

Therefore, the County of Macomb and the Township agree as follows:

1. The County's cost-sharing portion of the rehabilitation is 50% of the total project cost. The Township will pay to the County 25% of the County's share, or 12.5% of the cost of each project. The Township's share of the cost of each structure will be invoiced in equal annual installments over a period of 30 years at 0% interest, beginning at the completion of each project.
2. The structures identified below, along with their estimated cost, are located within the boundaries of the Township and are included in the Bridge Program:

ESTIMATED

STRUCTURE	PROJECT BUDGET	COMMUNITY LIABILITY	30 - YEAR AMORTIZATION
Card /N.BR Clinton River	\$1,850,000	\$231,250	\$7,708
Fairchild /Ahrens Drain	\$ 500,000	\$ 62,500	\$2,083
Hayes/ Price Brook Drain **	\$ 245,000	\$ 30,625	\$1,021
Chapman/ Deer Creek	\$ 650,000	\$ 81,000	\$2,708
	<u>\$3,245,000</u>	<u>\$405,625</u>	<u>\$13,520</u>

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

**** Represents 50% of total cost. Shelby Township will share 50%.**

County of Macomb

Township of Macomb

By: Nancy M. White
Chair, Macomb County Board of
Commissioners

By: John D. Brennan
Supervisor, Township of Macomb

MOTION carried.

FIRE DEPARTMENT:

20. Request permission to attend the Annual Live Fire Training.

Ray Ahonen, Township Fire Department Chief reviewed the request.

MOTION by DUNN seconded by MALBURG to approve the request for the Township Fire Department to attend the Annual Live Fire Training at the Macomb Fire and Emergency Service Training Center for the annual cost of Six Thousand dollars and 00/100 (\$6,000.00).

MOTION carried.

21. Request permission to purchase four radios.

Ray Ahonen, Township Fire Department Chief, reviewed the request.

MOTION by KOEHS seconded by MALBURG to approve the request to purchase four Motorola Mobiles through ComSource for the amount of One Thousand Seven Hundred Seventeen dollars and 00/100 (\$1,717.00).

MOTION carried.

22. Request permission to enter into agreement with Westshore Services Incorporated.

Ray Ahonen, Township Fire Department Chief, reviewed the request.

Public Portion: None.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

MOTON by DUNN seconded by MALBURG to enter into the Maintenance Agreement with Westshore Service Incorporated for maintaining the Townships fourteen weather warning sirens as recommended per Chief Ray Ahonen for the amount of Four Thousand Seven Hundred Sixty dollars and 00/100 (\$4,760.00) as submitted.

MOTION carried.

Chief Ahonen stated that the Fire Department received notice in December 2003 of a matching grant up to One Thousand dollars and 00/100 (\$1,000.00) from the American Heart Association for the purchase of an additional defibrillator for the Township Fire Department.

WATER & SEWER DEPARTMENT:

23. Annual Michigan Department of Transportation (MDOT) Permit and Resolution

John D. Brennan, Township Supervisor reviewed the request and recommended approval.

Public Portion: None.

MOTION by OLIVER seconded by BUCCI to approve the Annual Michigan Department of Transportation (MDOT) Performance and Indemnification Resolution for Governmental Bodies as follows:

FOR THIS MOTION: OLIVER, BUCCI, DUNN, MEERSCHAERT, MALBURG, KOEHS, BRENNAN.

OPPOSED: NONE

ABSENT: NONE

**PERFORMANCE AND INDEMNIFIATION
RESOLUTION FOR GOVERNMENTAL BODIES**

This Performance and Indemnification Resolution is required by the Michigan Department of Transportation for purposes of issuing to municipal utility an "Individual Permit for Use of State Trunkline Right of Way" (form 2205), or an "Annual Application and Permit for Miscellaneous Operations Within State Trunkline Right of Way" (form 2205B).

RESOLVED WHEREAS, the Township of Macomb

Hereinafter referred to as the "GOVERNMENTAL BODY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT" for permits, referred to as "PERMIT," to conduct, operate, use and /or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporation limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL BODY agrees that:

1. It will fulfill all permit requirements and will indemnify, save harmless, represent and defend the State of Michigan, Michigan Transportation Commission, and the DEPARTMENT and all officers, agents, employees and those contracting governmental bodies performing permit activities for the DEPARTMENT according to a maintenance contract:

a. From any and all claims and losses occurring or resulting to any persons, firms, or corporations furnishing or supplying work, services, materials, or supplies to the GOVERNMENTAL BODY as the result of the GOVERNMENTAL BODY's installation, construction, operation, or maintenance activities which are being performed under the terms of the PERMIT on, over and/or under the state trunkline right of ways; and

b. From a any and all claims of every kind for injuries to, or death of, any and all persons, and for loss of or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the GOVERNMENTAL BODY's installation, construction, operation or maintenance activities which are being performed under the terms of the PERMIT on , over and/or under the state trunkline right of way, except claims resulting form the direct negligence or willful acts or omissions of said DEPARTMENT performing permit activities.

c. From any and all claims made by and all persons, firms, or corporation furnishings or supplying materials, supplies, work, or services on, over, and/or under the State trunkline right of way pursuant to an agreement with the State of Michigan, the DEPARTMENT and/ or the Michigan Transportation Commission, as a result of the GOVERNMENTAL BODY's failure to move or otherwise relocate its facilities in a timely manner after being requested to do so by the DEPARTMENT.

2. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor or subcontractor will be the sole responsibility of the

GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.

3. The GOVERNMENTAL BODY shall take no unlawful action of conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

4. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL BODY's facilities according to a PERMIT issued by the DEPARTMENT.

5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

6. The incorporation by the DEPARTMENT of this indemnification resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performances security or insurance before issuance of a PERMIT.

7. This indemnification resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the **GOVERNMENTAL BODY**.

<u>Name</u>	<u>And/or</u>	<u>Title</u>
David Koss		Water / Sewer Department Superintendent
Gary Campbell		Water / Sewer Superintendent Assistant
John D. Brennan		Township Supervisor

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by The Township Board of Trustees of Macomb, County of Macomb, State of Michigan at a regular Township Board of Trustees meeting held on the 10th day of December A.D. 2003.

Signed: _____
Michael D. Koehs
Township Clerk

RESOLUTION DECLARED ADOPTED.

MOTION carried.

24. Request for professional services from CORRPRO Companies for Township Pump Stations.

David Koss, Water & Sewer Department Superintendent reviewed the request.

MOTION by DUNN seconded by MALBURG to approve the request for professional services from CORRPRO Companies for the Township Pump Stations for the quoted amount of Four Thousand Nine Hundred Eighty dollars and 00/100 (\$4,980.00) as submitted.

MOTION carried.

25. Request to seek bids for Water and Sewer Equipment

David Koss, Water & Sewer Department Superintendent, reviewed the request.

MOTION by OLIVER seconded by KOEHS to approve the request to seek bids for numerous items of equipment for the Township Water & Sewer Department as follows: 2004 – Cab and Chassis with 12 yard dump body, 2004 – Cab and Chassis with 2 yard dump body (replacement of truck 109), 2004 – Tractor Backhoe and equipment, 2004 4x4 Utility Tractor and Mower (replacement of existing tractor),

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

and 2004 – 4x4 Pickup (replacement Vehicle, Macomb –Oakland County Bids) as submitted.

MOTION carried.

26. Request to purchase filing equipment

David Koss, Water & Sewer Department Superintendent reviewed the request.

MOTION by DUNN seconded by MALBURG to approve the purchase request for seven various file cabinets for the Township Water & Sewer Department through Thumb Office Supply Inc. for the amount of Two Thousand Eight Hundred Ninety Seven dollars and 34/100 (\$2,897.34) as submitted.

MOTION carried.

BOARD COMMENTS:

27. Supervisor Comments:

27A. Resolution regarding the Hunting Area Control Committee

Supervisor BRENNAN reviewed the request and discussed the procedures.

Supervisor BRENNAN discussed with Trustee OLIVER the main complaints received with duck and geese hunters close to residential areas.

MOTION by DUNN seconded by MALBURG to authorize the formation of a hunting area control committee to review the hunting situation for Macomb Township.

FOR THIS MOTION: DUNN, MALBURG, MEERSCHAERT, BUCCI, OLIVER, KOEHS, BRENNAN.

OPPOSED: NONE

ABSENT: NONE

**RESOLUTION REQUESTING HUNTING
CONTROL COMMITTEE HEARINGS**

Minutes of a regular meeting of the Township Board of Trustees of the Township Board of Macomb, County of Macomb, State of Michigan, held in the

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

**Township Hall in said Township on the 10th day of December, 2003 at 7:00 P.M.
Eastern Standard Time.**

**Present: John D. Brennan, Michael D. Koehs, Marie M. Malburg, Dino F.
Bucci, Jr., Janet Dunn, Kenneth Meerschaert, Jr., Charles Oliver.**

Absent: None.

**The following preamble and resolution were offered by Member DUNN and
supported by Member MALBURG.**

**WHEREAS, Macomb Township has experienced rapid residential growth in
recent years with its population doubling in a short period of time: and;**

**WHEREAS, the Township Board of Trustees is concerned with the health,
safety and welfare of its citizens: and;**

**WHEREAS, the Township Board of Trustees deems it necessary to
reconsideration and update the hunting control areas for the protection of all
Macomb Township citizens.**

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES
OF THE TOWNSHIP OF MACOMB, COUNTY OF MACOMB, STATE OF
MICHIGAN AS FOLLOWS:**

**The Macomb Township Board of Trustees hereby requests that the
Department of Natural Resources convene a hunting control committee and that
said committee conduct a public hearing for the purpose of revising hunting control
areas with the Township of Macomb.**

**Michael D. Koehs
Macomb Township Clerk**

RESOLUTION DECLARED ADOPTED.

MOTION carried.

27B. Update on WOW Cable

Supervisor BRENNAN reviewed the current situation with Comcast and further
discussed the issues. Mr. BRENNAN discussed WOW Cable, a Comcast competitor. Mr.
BRENNAN stated the Township Attorney has proceeded to contact WOW cable to

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

schedule a meeting to start negotiation procedures. Mr. BRENNAN stated the definitive word from WOW cable is that their system is currently at capacity. Mr. BRENNAN stated they will be constructing a new hub in the future. Mr. BRENNAN also stated that when the hub construction is completed they will then be able to expand their systems and include Macomb Township.

Public Portion: None.

Informational no actions taken.

27C. Security Cameras

Supervisor BRENNAN discussed the idea of Security Cameras throughout all Township facilities and asked the Board for their input and further direction.

MOTION by OLIVER seconded by DUNN to proceed to research Township security systems and come back to the Board at a later date for further review.

MOTION carried.

27D. Response time update

Supervisor BRENNAN discussed the conversation he had with Chief Ahonen regarding updates on the Fire Department response time. Mr. BRENNAN stated that the relationship between the Township and Medstar is working well and improving the levels of response time.

28. Clerk Comments: None.

29. Treasurer Comments: None.

30. Trustees Comments: None.

EXECUTIVE SESSION:

31. Landtec of Macomb, et al v Township of Macomb.

MOTION by OLIVER seconded by DUNN to table the Landtec of Macomb, et al v Township of Macomb to the December 23, 2003 Township Board of Trustees Meeting.

MOTION carried.

ADJOURNMENT:

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, DECEMBER 10, 2003
AT 7:00 P.M.

MOTION by MEERSCHAERT seconded by BUCCI to adjourn the meeting at 8:10 P.M.

MOTION carried.

Respectfully,

John D. Brennan, Supervisor

Michael D. Koehs, Clerk
Gabrielle M. Baker, Recording Secretary
MDK/gmb